

MESSAGE NO: 7172201 MESSAGE DATE: 06/21/2007

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-202

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/01/2007 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING AND LIQUIDATION HEAVY FORGED HAND TOOLS FROM CHINA (A-570-202); AGRI-FAB'S TOW BEHIND LOG SPLITTER AND CUMMINS' (#4551) 10-TON LOG SPLITTER

MESSAGE NO: 7172201

DATE: 06 21 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 202

- -

- -

- -

- -

- -

PERIOD COVERED: 06 01 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING AND LIQUIDATION HEAVY FORGED HAND TOOLS FROM CHINA (A-570-202); AGRI-FAB'S TOW BEHIND LOG SPLITTER AND CUMMINS' (#4551) 10-TON LOG SPLITTER

1. ON 06/01/2007, IN RESPONSE TO A REQUEST BY AGRI-FAB, INC. ("AGRI-FAB"), THE DEPARTMENT OF COMMERCE ("DEPARTMENT") ISSUED A FINAL SCOPE RULING REGARDING A STEEL LOG SPLITTING DEVICE, REFERRED TO AS THE TOW BEHIND LOG SPLITTER, AND WHICH IS APPROXIMATELY 105 POUNDS IN WEIGHT AND WITH DIMENSIONS OF 60 INCHES BY 18 INCHES BY 16 INCHES. THE TOW BEHIND LOG SPLITTER OF CONSISTS OF A BASE WITH CRADLE TO HOLD LOGS IN PLACE AND A WELDED WEDGE, A HYDRAULIC MECHANISM WITH

OPERATING HANDLES TO PROVIDE FORCE TO SPLIT THE LOGS, AND TWO WHEELS WITH PNEUMATIC TIRES AND A FRONT HITCH AND REAR HITCH. THE TOW BEHIND LOG SPLITTER UNDERGOES A WELDING PRODUCTION PROCESS, WHICH IS WHERE THE STEEL IS STAMPED INTO REQUIRED SHAPE, AND THE FINAL SHAPE OF THE WEDGE IS THE RESULT OF WELDING THREE PLATES TOGETHER TO PRODUCE THE DESIRED WEDGE SHAPE.

ADDITIONALLY, ON 06/01/2007, IN RESPONSE TO A REQUEST BY CUMMINS INDUSTRIAL TOOLS ("CUMMINS"), THE DEPARTMENT ISSUED A FINALSCOPE RULING REGARDING A STEEL LOG-SPLITTING DEVICE, REFERRED TO AS THE 10-TON LOG SPLITTER (#4551), AND WHICH IS APPROXIMATELY 108 POUNDS IN WEIGHT AND WITH DIMENSIONS OF 37 INCHES BY 42 1/8 INCHES. THE 10-TON LOG SPLITTER CONSISTS OF A MANUALLY OPERATED TWO-SPEED PUMP, WHICH HAS TWO OPERATING LEVERS, PISTON ROD, AND WEDGE, THAT ARE USED TO SPLIT THE LOGS. THE 10-TON LOG SPLITTER ALSO HAS A PRESSURE RELEASE VALVE AND TWO-WHEELS, AND UNDERGOES A WELDING PRODUCTION PROCESS. THE DEPARTMENT HAS DETERMINED THAT AGRI-FAB'S TOW BEHIND LOG SPLITTER AND CUMMINS' 10-TON LOG SPLITTER ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER/FINDING COVERING HEAVY FORGED HAND TOOLS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-202).

2. THE DEPARTMENT DETERMINED THAT AGRI-FAB'S TOW BEHIND LOG SPLITTER AND CUMMINS' 10-TON LOG SPLITTER ARE BOTH PRODUCED THROUGH A WELDING PRODUCTION PROCESS. HOWEVER, THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HEAVY FORGED HAND TOOLS FROM THE

PEOPLE'S REPUBLIC OF CHINA (A-570-202) IS LIMITED TO PRODUCTS THAT ARE MANUFACTURED THROUGH A FORGING PROCESS, AND NOT PRODUCTS THAT ARE MANUFACTURED FROM PRODUCTION PROCESSES DISTINCT FROM FORGING. BECAUSE BOTH AGRI-FAB'S TOW BEHIND LOG SPLITTER AND CUMMINS' 10-TON LOG SPLITTER ARE NOT MADE THROUGH A HOT-FORGE OPERATION, THE DEPARTMENT FINDS THAT THE TOW BEHIND LOG SPLITTER AND 10-TON LOG SPLITTER ARE NOT TO BE INCLUDED WITHIN THE SCOPE OF THE ORDER.

3. EFFECTIVE 06/01/2007, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE TOW BEHIND LOG SPLITTER AND 10-TON LOG SPLITTER, AS LISTED ABOVE.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE TOW BEHIND LOG SPLITTER AND THE 10-TON LOG SPLITTER, AS LISTED ABOVE.
5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON HEAVY FORGED HAND TOOLS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-202).
7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O9:JEH).
8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party